

REMARKS

Rejection of claims 19, 21-23, 25 under 35 U.S.C. §102(b) in view of Drasler

The Examiner is correct. In Drasler the ultrasound transducer 452 (Fig.44) moves together with the fluid ejection port 460. Since they move together there is no relative movement between them and therefore they are "in a fixed stationary relationship such that the aperture does not rotate with respect to the control body". Since this limitation does not distinguish the two inventions the claims have been amended to remove that language and focus on the fact that in applicants invention the aperture for injecting fluid is round, annular and its center lies on the axis of the catheter. None of the Drasler embodiments have this feature, and therefore the claim does not describe Draslerts device. Applicant admits that catheters with round annular "on axis " fluid delivery apertures are known but strenuously argues that the addition of the control body (giving rise to the Coanda Effect) is not known in prior art emboli removal catheters.

Rejection of claim 26 under 35 U.S.C. §102(b) in view of Ruggio

Claim 26 requires a "fluid port to eject fluid [proximate] directly adjacent a control body thus creating a retrograde flow, through said sheath lumen to a location near material to be removed". In Ruggio the retrograde flow is induced entirely by vacuum or a syringe. The claim has also been amended to require that a single fluid port be used in contrast to the Ruggio multiple port construction. The amended claim does not describe Ruggio for each of these reasons.

Rejection of claim 24 under 35 U.S.C. §103 in view of Drasler and Ruggio

Claim 24 requires the catheter system of claim 23 to be operated in a "sheath" In this configuration the catheter induces a retrograde flow in the sheath. In Drasler the catheter injects and suck out the same volume of fluid and will not induce a flow in the sheath. Ruggio operated in a sheath would induce an antegrade flow. For these reasons no combination of Ruggio with Drasler renders obvious the invention set forth in claim 24.

CONCLUSION

All of the claims remaining in this application should now be seen to be in condition for allowance. The prompt issuance of a notice to that effect is solicited.

Respectfully submitted,
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By its attorneys:

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